

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

EARNEST SEXTON, ET AL.

PLAINTIFFS

vs.

NO: 3:06CV00163BSM

WAYMOND HUTTON, ET AL.

DEFENDANTS

ORDER

Pending before the court is plaintiffs' third motion in limine (Doc. No. 97). Plaintiffs state that they are unable to locate Jason Jones, whom they contend is a key witness. Plaintiffs wish to use Jones' deposition at trial. In a subsequent petition for writ of habeas corpus ad testificandum, plaintiffs state that Jones is in the custody of Sheriff Dale Weaver, Sharp County Jail, Ash Flat, Arkansas.

Trial in this matter is currently set for February 17, 2009. It appears that plaintiffs have now located Jones. Therefore, the motion in limine (Doc. No. 97) is denied. The petition for writ of habeas corpus ad testificandum (Doc. No. 102) is denied without prejudice to renew closer to trial.

IT IS SO ORDERED this 19th day of November, 2008.



UNITED STATES DISTRICT JUDGE